

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MONA DOBRICH, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 05-120-JJF
	:	
INDIAN RIVER SCHOOL DISTRICT,	:	
et al.,	:	
	:	
Defendants.	:	

**MOTION FOR AN EXTENSION OF TIME
FOR CASE DISPOSITIVE MOTION DEADLINES**

Plaintiffs hereby move for an extension of time within which to file their case dispositive motion on the issue of School Board prayer in the above-captioned action (the "Motion"). The grounds for the Motion are as follows.

1. At a hearing on January 15, 2008, the Court extended the deadline for filing case dispositive motions on the School Board Prayer issue until 30 days after the settlement of the remaining issues other than School Board Prayer (the "Settlement") was finalized and approved.

2. Under this springing deadline, case dispositive motions would be due either March 24, 2008 (the first weekday after 30 days after the order approving the Settlement was dated – February 21, 2008) or March 27, 2008 (30 days after the order approving the settlement agreement was filed).

3. Lead counsel for Plaintiffs, Thomas J. Allingham II, faces a significant limitation in his ability to prepare the opening brief for Plaintiffs' summary judgment motion and responses to Defendants' likely motion, due to conflicting professional obligations. Specifically, on March 31, 2008, Mr. Allingham is currently scheduled to begin a 10-day jury trial as lead counsel for

plaintiffs in another matter in the District of Delaware (*Delaware Art Museum v. Ann Beha Associates, et al.*).

4. In a conventionally scheduled case, trial preparation would not unduly impede preparation of an opening brief on a case dispositive motion in this case. However, the schedule in the Delaware Art Museum case is extremely compressed and expedited. Significant discovery remains to be completed; many thousands of key documents are still being produced daily by defendants, at least 15 depositions of fact witnesses are scheduled in the coming weeks, expert reports will need to be submitted and several expert depositions taken, and a pre-trial order will need to be prepared – all in the 27 days remaining before trial, and all while preparation of the actual presentations for a 10-day jury trial are being developed and prepared.

5. The School Board Prayer Issue is a constitutional issue of high importance to all parties to this case, and requires and deserves the full attention of the parties and advocates in order for it to be most efficiently and effectively presented to the Court for decision. Plaintiffs are extremely concerned that Mr. Allingham's obligations in connection with the Delaware Art Museum matter will prevent him from devoting the close and careful attention to briefing on the case dispositive motion that it requires.

6. The Delaware Art Museum trial is currently scheduled to take place from March 31, 2008 until April 11, 2008.

7. Accordingly, Plaintiffs respectfully request a modification of the springing 30-day deadline which the Court issued at the January 15 settlement hearing. Specifically, Plaintiffs respectfully request the establishment of fixed deadlines for the filing of such motions and related briefs, as follows: (i) case dispositive motions, along with the opening briefs, to be filed no later than April 18, 2008 (one week after the scheduled completion of the Delaware Art

Museum trial); (ii) answering briefs be filed no later than May 16, 2008; and (iii) reply briefs no later than May 30, 2008.

8. Counsel for Plaintiffs has contacted counsel for Defendants about this application. Counsel for Defendants has stated that he cannot support the motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter the attached Rule 16 Amended Scheduling Order.

/s/ Thomas J. Allingham II
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